IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 541 OF 2001

Swapnil Shamrao Ghorapade .. Appellant

versus

The State of Maharashtra .. Respondents

...

None for the appellant.

Mr.D.P. Adsule for the State.

CORAM : V.M. KANADE, J

DATED : 6th September 2004.

P.C:-

1. None appears on behalf of the appellant. Heard the learned counsel appearing on behalf of the State.

2. The appellant is the original accused no.3 has filed this appeal challenging the judgement and order dated 16th June 2001 passed by the Vth Adhoc Asstt.

Sessions Judge, Kolhapur in Sessions Case no. 146 of 2000 convicting the appellant along with others for the offence punishable under section 299 of the Indian Penal Code and sentenced them to suffer Rigorous Imprisonment for a period of one year and to pay find of Rs.1,000/- and in default of payment of fine for a further period of three months. The trial Court passed the judgement and order on 16th June 2001. All accused have paid fine for the period of conviction of one year is already undergone. The accused therefore are entitled to release forthwith if they have not been released so far.

3. The learned APP appearing for the State has taken me through the judgement and order of the trial Court and the oral and documentary evidence on record. The charge against the appellant accused was that they were travelling in an Ambassador car on the Pune-Bangalore highway and they were armed with lethal weapons and had made preparations for committing dacoit. They were intercepted by a police jeep and the police noticed that the number plates of the car was smeared with mud. The prosecution has examined six witnesses. The trial Court has after perusing the oral and documentary evidence has accepted the

prosecution case and accordingly convicted the accused to suffer Rigorous Imprisonment for one year. I do not see any reason to differ with the finding given by the trial Court. The conviction therefore, is confirmed.

4. However, since the accused has already undergone the conviction of one year, the accused is liable to be released forthwith unless he has been already released after completion of the sentence. It is however made clear that the above order is subject to the accused not being detained for any other offence.

5. The appeal is disposed of in the above terms.

V.M. KANADE, J